

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

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|--------------------------|---|-----------------------|
| RICHARD GLOSSIP, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. CIV-14-665-F |
| |) | |
| RANDY CHANDLER, et al., |) | |
| |) | |
| Defendants. |) | |

NOTICE TO THE COURT

Plaintiffs hereby give Notice that Defendant's IV Team Leader is not the individual who signed the Pat Doe Declaration, Plaintiffs' Ex. 66.

1. On December 7, 2020 Plaintiffs moved to compel a deposition of the IV Team Leader (Doc. 377), the individual identified in the Execution Protocol with responsibility for critical aspects of the execution process. (Doc. 388-1 (Execution Protocol §§ F. 6-9; Attachment D §§ D-H)) Additionally, during the November 2021 depositions of Departments of Corrections personnel, Plaintiffs learned that the IV Team Leader is the only source of certain information that is not contained in the Execution Protocol. For example, Director Crow testified that he could not provide any information about the consciousness checks that will be performed on prisoners because the IV Team Leader determines the consciousness

check procedures. Ex. 7, Excerpts of 11/17/2020 Crow Dep. Tr. at, *e.g.*, 162:3-163:12; 175:24-176:20.

2. The Court granted our motion on December 18, 2020 (Doc. 382), permitting “a deposition on written questions of the anonymous IV team leader, limited to three issues: 1) Did he or she graduate from a U.S. accredited medical school? 2) What is the proposed methodology to be used to perform a consciousness check? 3) What are the criteria for determining whether any unanticipated difficulties during the execution will result in an interruption or delay of the execution procedure?”
3. Defendants, in response to the Court’s order, proffered the “Declaration of Pat Doe in Response to Written Deposition Questions,” dated January 6, 2022.
4. Plaintiffs yesterday learned, and Defendants counsel has confirmed, that “Pat Doe” **never** served as IV Team Leader, and, in particular, did **not** serve as the IV Team Leader for the executions of John Grant and Bigler Stouffer executions, and plans on serving for all foreseeable executions.” To the contrary, as Defendants’ counsel confirmed for the first time today, a different, “current,” IV Team Leader “served during the John Grant and Bigler Stouffer executions, and plans on serving for all foreseeable executions.”

5. Plaintiffs have been prejudiced because they have relied on the Pat Doe declaration in developing their case, including expert opinions and testimony in this case. Moreover, this record includes the record on summary judgment and the record developed during preliminary injunction hearings, including the preliminary injunction motions litigated before this Court this week in which it was marked as Ex. 66. Plaintiffs hereby promptly advise the Court that Plaintiffs Ex. 66 is not what it purports to be before the Court rules on the pending motion for preliminary injunction.
6. Defendants have offered to have the real IV Team Leader now sign a new declaration and Plaintiffs reserve the right to seek any other remedy, including an oral deposition of the real IV Team Leader after receiving the new declaration.

Respectfully submitted this 12th day of January, 2022.

s/ Emma V. Rolls

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COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of January, 2022:

I electronically transmitted that attached document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to all counsel of record who are registered participants of the Electronic Case Filing System.

s/ Emma V. Rolls
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